

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation
or Suspension of the Educator
Certificate of Dwight D. Lawing,
Certificate 169120

)
)
)
)
)
)

**ORDER OF
SUMMARY SUSPENSION**

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on November 14, 2007. In accordance with S.C. Code Ann. § 1-23-370(c) (2005), the State Department of Education (Department) requested that the State Board summarily suspend the educator certificate of Dwight D. Lawing, certificate 169120, as a result of his arrest on November 1, 2007, in Marlboro County, South Carolina. Mr. Lawing was charged with one count of Criminal Sexual Conduct with a Minor under the Age of Sixteen (second degree) and one count of Disseminating Harmful Material to Minors. The Department has reason to believe that, due to the serious nature of the allegations of misconduct against him, Mr. Lawing poses a threat to the public health, safety, or welfare of students. After considering the evidence presented by the Department, the State Board voted to summarily suspend Mr. Lawing's certificate until a due process hearing is held and/or this matter is otherwise resolved. The Department is directed to serve notice on Mr. Lawing of the summary suspension, as well as the possible suspension or revocation of his educator certificate.

FINDINGS OF FACT

Mr. Lawing holds a professional South Carolina educator certificate and has fifteen years of teaching experience. He is a resident of Bennettsville, South Carolina. Mr. Lawing has been employed as a band teacher at Wallace Elementary/Middle School in Wallace, South Carolina. He was on medical leave

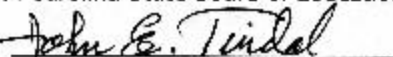
prior to his arrest. On November 1, 2007, Mr. Lawing was arrested in Marlboro County, South Carolina, and charged with one count of Criminal Sexual Conduct with a Minor under the Age of Sixteen (second degree) and one count of Disseminating Harmful Material to Minors. It is alleged that Mr. Lawing engaged in criminal sexual conduct with a fifteen year old minor and furnished a minor with pornographic material. As a result of these allegations and subsequent arrest, the State Board finds Mr. Lawing poses a threat to the public health, safety and welfare of students and others and that emergency action is required.

CONCLUSIONS OF LAW

"The South Carolina Board of Education may, for just cause, either revoke or suspend the certificate of any person." S.C. Code Ann. § 59-25-150 (2004). Just cause includes unprofessional conduct, immorality, crime against the law of this State or the United States, any conduct involving moral turpitude and evident unfitness for position for which employed. S.C. Code Ann. § 59-25-160 (2004); 24 S.C. Code Ann. Regs. 43-58 (Supp. 2006). In accordance with S.C. Code Ann. § 1-23-370(c) (2005), "If the agency finds that public health, safety or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action." The State Board finds that emergency action is required as there is reason to believe that Mr. Lawing poses a threat to the public health, safety and welfare of students and others. Accordingly, the State Board summarily suspends Mr. Lawing's educator certificate until a due process hearing is held and/or this matter is otherwise resolved.

South Carolina State Board of Education

By



John E. Tindal
Chair

Columbia, South Carolina
November 14, 2007